

NEWINGTON TOWN PLAN AND ZONING COMMISSION

February 25, 2009

Regular Meeting

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Casasanta
Commissioner Ganley
Chairman Hall
Commissioner Kornichuk
Commissioner Pane
Commissioner Pruett
Commissioner Schatz
Commissioner Camerota

Commissioners Absent

Commissioner Niro

Staff Present

Ed Meehan, Town Planner

II. PUBLIC HEARINGS

- A. PETITION 01-09 – Deming Street (west side) former Peckham Farm parcel, Deming Street Associates, LLC owner and applicant, 145 Dividend Road, Rocky Hill, CT 06067 represented by James P. Cassidy, Hallisey, Pearson & Cassidy, 35 Cold Spring Road, Unit #511, Rocky Hill, CT 06067, request amendment of Petition 74-06 Special Exception, approved April 25, 2007, for single family age restrictive homes, fifty-five or over. Section 3.19.2 PD Zone District.**

Jim Cassidy: Good evening, for the record, my name is Jim Cassidy, I'm a professional engineer with the firm of Hallisey, Pearson & Cassidy located at 35 Cold Spring Road, Rocky Hill, Connecticut. We were before you earlier in the month, February 11th, at which time we put on a presentation of the proposed modifications to a previously approved nineteen unit active adult community at 119 Deming Street. Since that time, the things that we were waiting for was the attorney for the project to complete the declaration of condo documents which has been done and submitted to Mr. Meehan, in addition, we were waiting for approval from the Conservation Commission and we did receive approval February 17th, for the modifications for this project. I don't know if there is anything else that you wanted me to go over, review the project again, but those were the two outstanding items that we had from the previous meeting.

Chairman Hall: Ed, do you have anything?

Ed Meehan: Just wanted to put in the record, I did receive the draft declaration prepared by Attorney Riper and article ten, in the restrictions on use are the requirement on age restriction and compliance with the United States Fair Housing Act. This is an active adult community for

persons fifty-five years and older, and that is the stipulation that the Planning and Zoning Commission wants to see which has been provided for in these. The rest is typical condominium documents on how their association will operate, the common land and insurance and so forth, so that part is okay.

Chairman Hall: Do the Commissioners have any questions? And the Inland Wetlands and Conservation has all been passed over, you have taken a look at all of that?

Ed Meehan: Yes, that was approved at the Conservation Commission meeting last week.

Chairman Hall: Does it differ at all from the one that was approved the last time around?

Ed Meehan: Not really, they didn't change the wetlands area. The area that was set aside originally for conservation protection stayed the same. When we get to the site plan we can go through, if there were changes there but there were no real substantive changes by the Conservation Commission. There is a new permit holder, that is the biggest change, other than that it is typical erosion control measures and conservation easement for the wetland area.

Chairman Hall: Any questions from the Commissioners at this time before we open it to the public?

Any one from the public wishing to speak in favor of this petition, please come forward, state your name and address for the record, come to the podium and speak.

Bernard Rooney, Wynding Brook Lane: I have nothing against what is going on across the street, as far as the building. I want to mention that they did fix the pole that the car hit, that was fixed this week. I mentioned as I was walking that I noticed that there is a well over there, I think it is important. I don't know if anyone looked into that or mentioned that. I think it's an aquifer because this water is coming up out of this well, it's capped and it's flowing out of the top. An aquifer is underneath the substrata and it's like a sandwich. Two impervious layers of rock, and there's a layer in between that that is pervious and the water flows down, and it's coming from the higher elevation, so the water tends to seek it's own level and comes right out of the ground. It's a wonderful thing, you don't see too many of them, and if there is one there, it should be considered, that water area should be protected, that's the only concern I had. There are two wells, one there and one across the street, but that one seems to be an artesian, a real artesian well. It seems to me that the water is coming right up out of the ground. I can see it, it flows, they have like a release on it where it is capped, and the woman who spoke the last time mentioned that there is a wet area over there, and it could be coming from there. So the idea, if you have something like an aquifer as I said, it is a rare thing, you would want to protect it. It's something, a water company would want something like that, or maybe all those units over there could actually use that water. It's hard to find clean water today, as everyone knows. That may be a source of clean water, and as I mentioned, if it is an aquifer, it is a kind of a rare thing, so I wish you would just check into that before, I have nothing against what is going on but if it is, just protect that.

Chairman Hall: Thank you.

Bernard Rooney: You are very welcome.

Chairman Hall: Anyone else wishing to speak in favor of this petition? Anyone wishing to speak against this petition? Again, come forward, state your name and address for the record. Anyone wishing to speak in opposition? Anyone wishing just to speak?

At this point I don't think there is any reason to keep it open. I think we have all the information that we need. Questions, time to ask them if you want to.

B. PETITION 04-09 – 262 Brockett Street, Matthew Seguro, applicant, JGF Holding Company, LLC owners, request for Special Exception Section 3.15.3, 1,800 sq. ft. Restaurant Use, Berlin Turnpike Business District (B-BT)

Chairman Hall: The petitioner is here, come forward, state your name and address for the record.

Matthew Seguro, 30 Bridlepath: I'm looking to open a small upscale café and pastry shop, specializing in traditional European deserts and pastries. I plan to offer wedding cakes and cookies and also chocolates. In addition, for people who don't want sweets I also plan on offering gourmet sandwiches and soups. The idea behind what I want to do is to create a European feel, where people can come and relax. Most of the production that will be done there will be things that are going out such as wedding cakes and pastries, but I also want to make it somewhere people can come, sit down, have a cup of coffee and relax.

Chairman Hall: Ed, do you have anything?

Ed Meehan: I can give you some background on this site. This project site plan was approved in March, 2007. The property used to be known as the Palombizio property. The site plan was approved after the property was re-zoned from R-7 to Berlin Turnpike Business Zone. The approval was granted for a 7,275 square foot building and it was designed as professional office use, at six spaces per thousand. So the parking lot and the building as you can see from the site plan, occupy I would say about eighty, eighty-five percent of the land coverage. It's a tight site, not very deep, it's shallow. It's abutted closely on the north and west by residential single family homes. In order to do a food service here, a restaurant use, because the applicant is proposing tables and chairs inside, it's regulated by Section 3.15 which requires this public hearing, and they key thing I believe with this application, in addition to the operation of the business, will be to make sure that the parking is adequate. This was proposed, as I said, for professional office uses. I believe that the Commission heard at your hearings and in the site plan, hair salon, nail salon, real estate office, other professional type service uses in this building. So, you have in front of you and also on the wall, while tenant space is just 1800 square feet, not all of that is going to be available for public seating. Actually what is available for public seating is about less than a third of that, about 545 square feet. That is the area that we use under the zoning regulations to determine parking. For that space for a restaurant use, 545 square feet would require eleven spaces. We use fifty square feet of floor area for each one parking space. That is the conversion ratio. This 1800 square foot tenant space as an office, or professional use has also a requirement of eleven spaces. So it's basically at par with the restaurant use, so there is no reduction in the parking count for the mixed use commercial office use here. He can't go any larger actually than the 545, or should not go any larger than the 545 because then he gets, starts taking parking from other tenant spaces. I met with the applicant before he put his plans in, and applied for this Special Exception and explained that to him, and he had someone design this so you see on the floor plan cut sheet the area, it's only about nine feet wide, nine feet three inches across the front, this 1800 square feet is at the front of the building, faces Brockett Street and in determining that 545 square feet I measured everything across the front, including where the double doors are, probably being conservative, and all the way up to the end of the counter, so for those six tables with chairs, the café tables, that's how I came up with that calculation. So I'm reporting to the Commission that from a parking point of view, he's okay. But again, because of the neighborhood and the residential character, I think, if you could explain to the Commission your hours of operation, how you are going to handle the management of the space, so we have a comfort level that it won't be a disturbance to the neighbors.

Matthew Seguro: Hours of operation will be Tuesday through Thursday, 8:00 a.m. to 7:00 p.m., Friday and Saturday, 8:00 a.m. to 9:00 p.m. and then Sunday, I would be open 8:00 to 2:00. Like

I said, pretty much the majority of the things of what we, or what I plan to produce there would be wedding cakes, things like that.

I plan to be open those hours, I don't see it affecting any of the businesses that would be around me. I don't think that there is anything in the area that is like what I am trying to do, probably the closest thing to what I would be trying to do would be Starbucks in the center of Newington, but like I said, what I really want to try to do is just make a place where people can go, sit down, have high quality products because really, most of the pastry shops in the area, and in the surrounding towns are all Italian pastry shops, and they pretty much offer, everyone offers the same thing. So I just wanted to bring about you know, trying to educate people about different types of pastries and different type of atmosphere.

Ed Meehan: How many employees do you think you are going to have?

Matthew Seguario: It would be me, I have a business partner, and two part time employees.

Ed Meehan: So two or three at the most?

Matthew Seguario: Yes.

Ed Meehan: The other thing that I explained to the applicant that based on the approved site plan, the dumpster pad and the enclosure is at the opposite side of the site and it was put there to be as far away as possible from the neighbors from the west, so if this gets approved, I would recommend that it not be relocated to the west side of the building, so they would have to make arrangements to bring any refuse to the far east side of the site which is closer to the commercial properties. The back side of this has a twenty-five foot buffer, some landscape plantings have already started there, very early in the process, so I think that ought to stay as a buffer, and no dumpster or anything else in that area.

Chairman Hall: Questions from the Commissioners?

Commissioner Schatz: Is this going to be a restaurant with hamburgers, hot dogs,

Matthew Seguario: No.

Commissioner Schatz: It's a pastry.....

Matthew Seguario: It's a pasty shop. The only reason why I decided to offer really the sandwich menu that I would have would be like six different kinds of sandwiches, it wouldn't be hamburgers or anything like that. It would just be sandwiches, paninis, things like that, but I thought it would be a good idea to offer that as well because originally I was thinking just the pastry shop, but if people didn't want pastries specifically, they wouldn't be going there, so I figured if people went in for sandwiches and saw the pastries.....so, but there is not going to be any table service, it will be counter service. No waiters, nothing like that.

Commissioner Schatz: And later on you wouldn't be looking for a liquor license?

Matthew Seguario: No.

Chairman Hall: Any other questions?

Commissioner Ganley: Is he the first tenant?

Ed Meehan: Yes, that I know of. Well, other tenants may have entered into arrangements but they don't have to come before the Commission because they are a service use or hair salon, which is permitted by right. Restaurants have to get a special exception.

Commissioner Ganley: So we don't know what business he may have supplanted by going in there, that is, could have been a barber shop that decided not to go in there, it could have been somebody doing nails that didn't go in there, which provides a turnover of traffic in lieu of the restaurant going in there providing a turnover of traffic, so my impulse is, it's an X factor, my impulse is to resolve the X factor in favor of the applicant. Somebody could go in with a nail shop and say, look, I'm going to have so many customers turning over, and you have a restaurant with so many customers turning over.

Chairman Hall: Other questions?
Is there going to be a kitchen?

Matthew Seguro: Yes.

Chairman Hall: And is it essentially baking, or venting, what are you going to be doing as far as that, and where would the vent be?

Matthew Seguro: Essentially it is just going to be baking, there is going to be no stove, the vent would be directly above the oven, it wouldn't be, there would be no stove top. I'm not going to be doing any grilling or frying or anything like that.

Chairman Hall: And as far as outside venting, for the ovens? Are you going to have any kind of a fan, vent that goes outside?

Ed Meehan: Is it exhausted through the wall, or through the roof....

Matthew Seguro: Through the roof, I believe. All that would be above the oven, a rack oven.

Ed Meehan: Is there any need for any outside storage behind the building near the pass door, or anything like that?

Matthew Seguro: No.

Ed Meehan: So everything is clean, and inside?

Matthew Seguro: Yes.

Ed Meehan: Okay.

Chairman Hall: Now that plan has provisions for twenty-eight seats, that would be more than what would really fit in there, wouldn't it, or could they possibly get twenty-eight in there?

Ed Meehan: That's tight, I mean if you scale it, it's only nine feet across the front from the front windows to the counter. Those must be small.....

Chairman Hall: Bistro tables?

Matthew Seguro: Yes.

Ed Meehan: That's, I think there might be one extra table in there, as you get closer to where the restroom are, they may want to have, I don't know, you'd have to see it when they get it laid out, it seems like it would be like a traffic area where you would not put a table. Maybe you start out with one less set of tables and chairs, and see what happens as far as customer base.

Chairman Hall: Other questions?

Commissioner Casasanta: Has the building already been set up, like when we talk about other properties that have a kitchen, there are certain things that they need to do, has this building already been kind of set up for that or is that going to be something that is going to need to be done in addition to?

Ed Meehan: The build out of the kitchen, the bathroom facilities will be something that, if this was approved, this applicant would have to do with the landlord, bring the plans into the building department. I believe the interior space right now is just basically all open and they haven't started to divide it up into tenant space yet. Because it is a restaurant use, it would come under a different section of the building and fire codes for your ovens, exhaust systems, wall separation, so that would have to go to someone who specializes in restaurant design, kitchen design.

Chairman Hall: Anyone else? Seeing no other questions, we're going to open it to the public. Anyone wishing to speak in favor of this petition, please come forward, state your name and address for the record? Anyone wishing to speak in opposition to the petition, again, come forward, state your name and address for the record.

Linda Thompson, 226 Brockett Street: I have no problem with what you are going to do, now that we understand what it is, but my problem is the traffic flow already, just when they were working, isn't working so well. I also spoke this afternoon about the snow removal. Now I know that has nothing to do with you. It has to do with the owner, or whoever is putting the building up. When the snow was removed, the snow was plowed across the street, piled up on Citgo property there and as you come out of Citgo, I can't tell you how many times we have heard the brakes slam, or there has been a (inaudible) because you can't see to pull out. So if that is going to continue, we're going to have a problem.

The other part of this is, if you are going to have numerous businesses now in that area that are all going to have trade in and out, that's an awful lot of traffic there. That's a very narrow pull-out as they pull out of Citgo, you are directly across. I mean, it's pretty tight already, but you're going to have more business. It seems to me, a carry out business, when I first heard restaurant, I wasn't happy at all. This type of business may make a go of it and may be wonderful, but I think that you have to think about the traffic pattern. When this was presented way back when, this all came about, I know that I was here with a number of neighbors, we all were told, okay, you know, they listened to everything that we said, it still was approved to come, from what it was, which truly, this is a beautiful building, to what it is now, it's a big plus, but, the traffic is going to kill us when now we are going to split it up. Before it was just going to be sculptures and maybe a little side business, maybe a nail place inside of that, now we are going to have a business that is going to have delivery, or pick up of pastries and cakes, and again, I don't mean to slight your business, I think this is a great idea, the town needs things like this, I think we have to think about it. We give this one exemption, this young fellow doesn't make a go of it, so what happens next, they are going to come back and somebody is going to want to go in there and say, okay, so now we are going to serve some beers and some shots in there. I think we have to think this through. This was a residential neighborhood, Citgo came in, there are still children across the street, a young lady having a baby this month, I think we have to be a little more careful, that's the only objection I have. I want to see new things in Newington, I think that's great, I've been there, on Brockett Street thirty-three years. We fought for that light on the corner there, because people were getting hurt, they were going up into the neighborhood and into houses, but now with the

transit, and again, the parking was a question. If the hair salon goes in, and does the kind of business that supposedly they have done in the past, you are going to have a lot of coming and going. You have to look at pulling in and out of there, it's not so easy. Thank you.

Chairman Hall: Thank you. Anyone else wishing to speak if opposition? Come forward, state your name and address for the record.

Wendy Whitehouse, 238 Brockett Street: My concerns reiterate what Linda said with a few additions. At that intersection, Vinny is here also, who lives across the street from me, there are continually people who do not stop, who go through that intersection in both directions, down Kitts Lane and down Brockett Street. With additional traffic, I'm afraid that there are going to be additional people running the red light, the stop sign. We're constantly, Vinny and I are constantly hearing the screech of brakes and you look out the window, and there are two cars like this. I did witness a few months ago a girl got T-boned because she ran through the red light, so that's a concern. Another concern is, what he is considering sounds fantastic, like she said, we do need businesses like that in Newington, but if he is going to be doing a lot of baking, is our neighborhood going to smell like chocolate chip cookies all the time? I love chocolate chip cookies and if it smells like that, I'm going to be eating them, and I'm going to be this big. Just personally, please, but not only that, in a residential area obviously you don't want that type of smell taking over, although it is better than hamburgers and hot dogs. It's still a commercial scent. Again, the traffic in and out, that parking lot, that is a very narrow street. My last concern, his business sounds wonderful but now it's going to be zoned for a restaurant, I hope you don't, but if you fail, and many restaurants and small shops like that do, it's already zoned for a restaurant. Now we do have somebody who does want to come in there and do hot dogs and hamburgers and this sort of thing. Or, what's the next thing, now we get a liquor license and then that makes it easier for a bar, and then that makes it easier for a gentlemen's club, ten years, fifteen years down the road. I live two houses down from there, and I don't want that. So that's a concern, not for this moment, not for this gentleman, but for the actual zoning of that particular piece of property. Those are my concerns.

Chairman Hall: Thank you. Anyone else wishing to speak in opposition, come forward, please.

Vincent Allie, 241 Brockett Street: My sentiments are basically the same as Wendy and Linda, the biggest concern is that the traffic through there is a nightmare. Continuously people are running the stop signs, and at the least, a rolling stop, continuously. Something really needs to be done about that with the restaurant there, it's going to, nothing against you, but it's going to increase traffic more than, like a pastry shop, people would be going in and out more continuously than a hair dresser where they take any where from a half hour, forty-five minutes, hour or more, whereas businesses like a bakery would be in and out, five minutes, ten minutes, a lot more traffic. Also, nothing against you, businesses do fail, like they have said, and liquor licenses and all that, they may push for that if somebody else goes in there down the road. I mean the Mexican restaurant right on the turnpike, during Cinco de Mayo, the streets were lined up and down for overflow parking, so parking can be an issue too. Our whole neighborhood was filled with cars until late at night, everybody going out to the restaurant. The other thing that you have to take into account with a restaurant, yes, the dumpster may be located on the opposite side, but when you have a lot of food waste, that can attract rodents, animals and so on. I've seen that, I've been a member of the Elks and in our dumpsters you always get a little grease and everything else, so there is a concern between the traffic and possible health issues with the dumpsters and so on. Thank you.

Chairman Hall: Thank you. Anyone else wishing to speak?

Wendy Whitehouse: I have one other question.

Chairman Hall: Again, come forward, state your name and address for the record.

Wendy Whitehouse, 238 Brockett St: The one thing that I forgot to ask is, it sounds to me like it is going to be a very small eating area, would there be any possibility of, you are talking about a possibility of a European type style business, outside eating, the cafes in Europe are always doing the outside thing, that's one thing I don't think would be a terribly good idea. So that would be a concern too if all of a sudden we got tables outside, people eating, even until nine o'clock at night. You know, it's only two doors down, and it would be disturbing if people were out there making noise. That was my only other concern.

Chairman Hall: Okay, thank you. Anyone wishing to speak? We have done for and against, now anyone just wishing to make a statement? I think we need to explain what a Special Exception is, because just because we say yes or no to one, it is Special Exception which means if it does fail, and certainly we don't expect it to, but if there is a turnover, who ever comes back in, if they are trying to do something other than the retail, or nail store, or whatever would also have to be Special Exception. Just because we have done it once doesn't necessarily mean that we would do it again. Question?

Commissioner Pane: Madam Chairman, if I'm not mistaken, that Special Exception for a restaurant use travels with the property, so if this business fails, another business similar can come in without coming to this Commission unless there were some major changes.

Chairman Hall: Well, that would be restaurant, this isn't really a restaurant.

Commissioner Pane: This is a restaurant/bakery, slash bakery.

Ed Meehan: It travels with the land because they record it on the land records, but the Commission can attach conditions to the Special Exception to limit the occupancy to this particular applicant, to restrict no outside dining, to put other safeguards on it, so that if this unfortunately were to fail, it wouldn't be an automatic re-occupancy, a new tenant would have to come back and go through the public hearing process. That would be a safe guard that the Commission could consider. Certainly I think you want to be clear in any discussion on this when you put a motion on the table that it's limited to a certain number of tables and chairs and no liquor sales obviously, no fast food take out, things like that, be as specific as possible so you don't open yourself up for the next guy who comes in with a completely different business plan to come back and start over again.

Commissioner Pane: Maybe the Town Planner could explain for the public what our regulations, how our regulations protect the adjacent property owners for, if somebody wanted a liquor license, or somebody mentioned adult entertainment and all that, maybe the Town Planner could give some.....

Ed Meehan: Well, liquor is completely different permit classification so, for a restaurant liquor permit that would be another Special Exception and public hearing and there are separation distances to residential areas, so that would be a safeguard in this particular neighborhood. Any adult entertainment other than a retail operation, a bookstore or video store which is treated as a retail use, beyond that would have to meet locational requirements in both the town zoning regulations and ordinance and the separation distances in Newington zoning regulations for any new adult entertainment are very, very restrictive. Over 1000 feet from residential areas, I think it's 1500 feet from schools, public buildings, so forth, so other than what we have in Newington right now, which is down on the Berlin Turnpike, practically impossible to locate another use of that nature in Newington. Retail sales of books and videos are a different category, that's

protected under a different set of laws, but you mentioned a particular club, that would not be able to be located in this location.

Commissioner Pane: Thank you.

Chairman Hall: What about outside tables, it doesn't look as if there would be space for it, the parking is pretty much up against the building.

Ed Meehan: It would be tight, I asked the applicant that when we met, and he said it wasn't interested in outside tables at that time. That would be something that again, you could put in as a requirement, if he wants to change, he would have to come back and amend the Special Exception.

Chairman Hall: With regards to the dumpster, would all of the trash from all of the store fronts be in that dumpster?

Ed Meehan: It's all designed for the east side of the building.

Chairman Hall: So there is no way to separate food from regular trash.

Ed Meehan: He may have to, that may be something he would have to talk to his carting service about. He's not doing any frying so there is not a lot of grease, grease vapors or the need for a service that comes by and picks up the, like a Wings, where you have a deep frying where they have to pick up the grease. This sounds like a completely different operation. The Health Department inspects the dumpsters and they are going to want to make sure they are either transferred so clearer dumpsters come in, or they are power washed or steam washed, what has to be done so they meet health codes.

Chairman Hall: So there are some safeguards.

Commissioner Pane: Madam Chairman, do we know how the rest of this building is going to be split up yet?

Ed Meehan: Well, we don't. You know, I don't think, say another restaurant applicant came in, then it's going to be this issue of balancing their public space, proceeding with the parking requirements, because bear in mind, there are only 45 parking spaces for this plaza, so as a mixed use building, if they came in with say, 2000 square feet of retail floor space that has a higher parking count than professional office, so we would have to keep track of the parking requirements based on the tenant uses, so you don't exceed that 45. These uses are all permitted in the Berlin Turnpike, by right, the retail uses, the personal service uses, so we won't, the Commission won't get a look at those, we'll get a look at them at staff, but if anything of a Special Exception nature, they would have to come back to you.

Chairman Hall: Anybody else have any questions? I don't really see any reason to keep this open either. Does anyone else? We will close this as well.

Commissioner Kornichuk: Before you get to the next petition, I will recuse myself because my wife is on the Housing Authority.

Chairman Hall: Thank you.

C. PETITION 05-09 – Newington Town Plan and Zoning Commission, 131 Cedar Street, Newington, CT 06111 Attention Edmund J. Meehan, Town Planner, Zone Regulation Section 3.7.2 Housing for the Seniors and Service Use Buildings proposed amendment to change minimum parcel size from 5 acres to 2 acres and add senior housing “sponsored by the Newington Housing Authority, non-profit or limited profit developer.”

Chairman Hall: I believe that we have the petitioner here.

Ed Meehan: On behalf of the Commission, I will report Commission members should have this proposed amendment, I've got a few extras for anyone in the audience who would like to follow this as we explain it. Section 3.7.2 of the zoning regulations is a section that is set up for seniors and service use buildings. It's been in the regulations for many years, going back to I guess when the Housing Authority first built in Newington, and the recent amendments in 2001 were changed to tighten up the regulations. They have to do with the age restriction of people occupying the housing for seniors, it had to do with the requirements of not more than 20 units per acre, and the location of the project on a bus route and adjacent properties as far as compatibility with services to the town center as so forth.

This particular amendment arises out of the, couple of issues. First and foremost is the project that has been discussed for the past couple of years known as New Meadow Phase II for the property across the street which the Town of Newington owns. The Town has entered into a lease operation with the New Samaritan Corporation for that property to build housing for age restricted seniors, affordable housing. That went through a study committee appointed by the Town Council. Other sites were looked at, other ideas for this property were discussed by the committee and ultimately the committee made a recommendation to the Town Council that a lease option go forward with New Samaritan on the condition that New Samaritan be successful in achieving HUD 202 funding. That is special funding for senior housing. Also, as part of that recommendation from the affordable age restricted housing study committee there was a strong recommendation to try to place the housing at the north end of the field, where the existing Channel 14 is now occupying the former Board of Ed building, about a 6,000 square foot building. This concept would permit the improvement of parking for the senior and disabled center and the Newington Housing Authority, keeping space in the middle of about 30,000 square feet for an informal play field and then land at the north end for senior housing. That sort of arrangement does not meet the five acre threshold which is now in the zoning regulations. So, part of this amendment is to reduce the minimum parcel size from five acres to two acres. In researching that I found out that two of the Newington Housing Authority projects now don't meet the five acres. They were built, I'm not sure how they actually got through zoning, maybe the zoning back in the '70's for Keleher which was the first one built, that's on just over two acres, but well under five acres, the zoning might have been not as restrictive then. Cedar Village has the same situation with a smaller parcel and the only parcel that meets the five acre requirement is Phase I New Meadow which was built in '86. The zoning for the rest of phase II was never really an issue because it was all going to be under the control of the Housing Authority, so the density and the lot size didn't make much difference because the lots would have been merged. With New Samaritan coming on the scene the Town would be requested to enter into a long term lease, it's a different entity, so they are going to have to show HUD that they have proper zoning. So there are two reasons for this amendment. One is to facilitate the site design that the Town Council through its committee endorsed, and secondly to try to be fair to the existing Housing Authority parcels, to make sure that they stay zone compliant. Couple of other restrictions in this suggested amendment is to make sure that the housing has to be sponsored by the Newington Housing Authority, a non-profit corporation like a 5013C or a limited profit sponsored that would use some sort of CHFA financing or other public financing to build affordable senior housing. That is not in the regulations now and I recommend that that be put in there, to have peace of

mind that these are being done for public purposes. So that in a nutshell are the reasons for these zone amendments.

Chairman Hall: Any questions from the Commissioners?

Commissioner Ganley: Yeah, if you could just explain the difference between what could be built there now should the zoning remain the same, five acres, the green space across the apartments, and then to the north where that Newington Public Television building is, the total of that land would result in how many units if we were to hold to the five acres.

Ed Meehan: Right now the lease option with the New Samaritan provides enough land for them to do under zoning. They could fill the area that the town council has a lease option with, but that would eliminate the parking lot, the informal parking lot at the south end of the field, it would eliminate all of the green space and it wouldn't touch the building at the north end.

Commissioner Ganley: How many units would that be?

Ed Meehan: That would yield at twenty units per acre probably almost sixty, sixty-five units.

Commissioner Ganley: Okay, and if we were to go to two acres?

Ed Meehan: It reduces the number of units, it's forty units, the most you can do on the smaller tract. So if you want smaller developments that's another reason to downscale from five acres to two acres. This is not specifically before you for this site per se, this is a generic change which changes the design guidelines for age restricted housing, but I can tell you that New Samaritan project has been approved by HUD for 32 units. They can't do any more than 32. Even though they could do 40 under zoning, they can't do that because they won't have the financing for 40.

Commissioner Ganley: I guess what I'm getting to is that in the particular parcel that we are referring to, there will be no net gain, that is, no additional opportunities for seniors to occupy units on that parcel.

Ed Meehan: It would be the same because when you get to the north end, you have to remove the building that is there and then after that it goes straight down into the inland wetlands, so there is no more land to benefit the density calculations to give you additional units.

Commissioner Pane: This might be helpful too that if there are any other smaller tracts that the Town could possibly acquire that might be for future housing for the elderly that it would make it easier for the Town, or somebody else. Now this would be restricted for the, the way that you have it set up, only if it's sponsored by the Newington Housing Authority.

Ed Meehan: It has to be the Newington Housing Authority, so if they had another.....

Commissioner Pane: Or non-profit developer.

Ed Meehan: Yes.

Commissioner Pane: But it would open the doors possibly for some other future projects in the area if there are some smaller sites since it is harder to find the five acre sites.

Ed Meehan: That is a good point. We, that committee looked at several locations around Newington as part of an effort to see if there are other sites and there aren't any sites. There are a couple in the center, you know, near Patricia Genova Drive that are larger than five acres but

they aren't available to the Town. I don't think they are available to a non-profit sponsor either. But there may be smaller sites that have the right locational attributes, public utilities, good access to other types of services in and around the center that could benefit from this.

Commissioner Pane: Should the wording maybe be that if it's, what if you find a place that is just shy of two acres, I mean, should you word this so that you're covered for the future so that even if it is a hair less than two acres that, as long as it is sponsored by the Newington Housing that, so you know, that we don't have to come back and change it again. Something to think about.

Ed Meehan: Yeah, I don't know.....

Chairman Hall: I think I would rather keep it at least the two so that we know that we have a fairly decent tract on which to build.

Ed Meehan: The other thing about these types of units is that you don't need a lot of parking to go with them, so that's another reason to have a smaller unit, you don't need to have two spaces for every unit, some times you only need a half a space per unit is fine for senior housing, so you don't need to have a threshold. Five acres of land in Newington is pretty hard to find.

Commissioner Ganley: Domenic raised an interesting question about the smaller lots, under the smaller proposal, that is the two acres, it's entirely possible that a desirable parcel could be found. Take a look at another type of structure that could go, someone could conceivably build an apartment style building on a lot that size with say a half a parking space per unit, which would be major (inaudible) type housing with the elevators and so on, so it provides us with some additional opportunities, I suppose to address some of the senior needs. Going down to two acres would then, he's restricted in the width and the length so he would probably go up is what I'm saying.

Commissioner Pane: Well, we got 32 units on a two acre over there, so if something came in, the only reason I mentioned it was, let's say something comes in and it's just a hair under two acres and it works and maybe somebody can get in twenty-eight units or whatever, well, that's something to add to our housing, and that's the only reason I mentioned it. It still would be up to the Commission afterwards whether or not it was suitable, but it leaves the door open so that either the Town or developers could look for something that might work even though it's a hair under two acres, it would still be up to this town Planning and Zoning to see if it would be suitable. That's the only reason I mentioned it.

Chairman Hall: Is that the type of thing that we could deal with by variance?

Ed Meehan: Well, I wouldn't recommend a variance. If you wanted to do it, you put the language in your zoning regulations to handle the situation that Domenic is talking about. So you have that flexibility. There may be a ratio between the number of units and the size of the property, like a floor area coverage or something. My only concern about changing it now is that this has been advertised and brought to hearing, that type of change I think might be considered more than editorial changing. You are changing a standard, a recommended standard that has been advertised for public hearing. It's a good idea, but I'm not sure you can do it on this proposed amendment.

Commissioner Pane: Well, you would probably have to re-advertise, but now is the time to take care of it, if this is something that the Town is going to want, and if it's something that the Commissioners feel might be an advantage to the town for future housing needs, now is the time to do it, and maybe it's an extension of the public hearing for a small period, but, it's a Commission decision.

Commissioner Ganley: My question once again is within our present regulations, would we be able to address the situation where we have a certain parcel and it's slightly less than two acres, I'm not going to pick a number, but slightly less than the two acres requirement, and it comes before us and it seems like in terms of the placement of that particular parcel would lend itself to the type of housing that we would like to see, unfortunately, it's a little less. Would we be able to regulate by virtue of the number of units in the building and the parking space and thus cover ourselves with regulations presently on our books?

Ed Meehan: No.

Commissioner Ganley: No, we couldn't.

Ed Meehan: Because that is special and I think that is where Domenic is going with this, maybe you ought to have a couple of ways of measuring it, so you have some flexibility. It's either, it's not just two acres and if you don't have two acres you're out of business, maybe it's another factor rather than two acres maybe you say 1500 square feet of land per unit, or something like that. So if you had 28 units it would be 28 times 1500 or a ratio that makes sense from a land coverage point of view.

Commissioner Ganley: Down to a floor, so somebody couldn't come in and say, look I've got a half acre, I want to put up a skyscraper.

Ed Meehan: Right, then maybe you want to say not more than three stories or something. I think you want to keep this in and around the town center, you don't want it out in the hinterlands but another way of doing it, I'm just trying to think out loud, to respond to the suggestion of having flexibility, is two acres and/or not less than 1500, 1800 square feet of land area per unit, so if you didn't have two acres, and you had one and a half acres, good site and all the attributes that you are looking for as far as location and utilities, your density would be based on, say one and a half acres, say about 65,000 square feet, 70,000 square feet divided by the 1800 or 1500. That would be your density yield. Follow what I'm saying?

Chairman Hall: It's just a question of whether it is economically feasible for a developer to do that.

Commissioner Pane: It offers a lot of flexibility and it sound like this New Samaritan, or people like New Samaritan, they come in for the smaller, they can get financing and they can get help with the smaller ones, the twenty-eight, twenty-nine units, the thirty-two units, twenty-five units, something like that.

Ed Meehan: When the Housing Authority around the state were able to do their project, they tend to be small because they can get financing from the state. New Samaritan has access to HUD 202. The limited profit sponsor who came to the Town Council when they responded to the RFP, they were going to try to use CHFA tax exempt financing. They really want a higher number of units. They would be in the fifty to sixty range, maybe even higher, because they can attract more investors into the project, so in that case, that says to a developer who is using CHFA funds, they have to go to a bigger tract, that's all. That may be another reason to put a ratio of land to density in there. If you've got sixty units, and you need 1500 square feet, that determines what you are going to hunt for when doing your real estate investigation.

Commissioner Pane: Exactly, and this could help the Town too, because maybe the Town, down the road, maybe they might want to take a venture on it themselves through the Housing Authority or, you never know, for another smaller project. So it just gives a lot of flexibility for the town.

Commissioner Casasanta: The twenty unit per acre standard, that wouldn't cover it in the sense that if somebody wanted to build thirty units they couldn't build it on an acre and a half?

Ed Meehan: Not the way this has been constructed over the years, you have to meet the size threshold. There's two measures, the size threshold of two acres or five acres or whatever the Commission sets, and not to exceed twenty units per acre. So that, it's a double standard, and this is the only housing use that permits that type of density in Newington. We used to permit a higher density for market rate housing, back in the '90's and that was taken out of the regulations, but I think these are all good suggestions and the wheels are turning. I have to figure out a way of how to address that, if that is something that you want to pursue.

Commissioner Pruet: Also, maybe we could pursue Dom's idea when we review parts of the Plan of Conservation and Development agenda. We could address it at that time too. I think you are kind of looking to send this to the Town Council as presented here.

Ed Meehan: Well, this is your zoning regulations, you make the policy decision on this. New Samaritan through their professionals are in the process of doing their preliminary conceptual layouts right now and their schematics. I've already met with the Housing Authority on the need to adjust their boundaries to accommodate pushing this project to the north end of the site. So in doing all those calculations, that's where it became apparent that we had to look at a smaller piece.

Commissioner Pruet: I think you are looking for more of a fast track to get this.....

Ed Meehan: Yeah, yes we are.

Commissioner Pruet: So I mean, you could do that on the fast track and then discuss Domenic's idea later on when we address the Plan.

Ed Meehan: The policies in the Plan of Development.

Commissioner Pane: Then the only problem is that we would have to come back and readjust the zoning regulations again, that is the only problem, so I mean, I understand that this is on fast track, but I think holding it up for a few weeks is not going to make too much of a difference.

Chairman Hall: When do they need this? Do they need it in March?

Ed Meehan: Yeah, they need it probably in mid-March. They are going to continue to design. They know they have to design for 32 units, that is all they are getting funding for, the bigger issue is what is the best location of the building on the site, taking into account the slope in back and the requirements for fire access and so forth. That is going to determine the property boundaries but.....

Chairman Hall: No, I mean they need this change to go before HUD, and that would be in October, by October or do they need it sooner than that?

Ed Meehan: They would need this I would think in March so that they can then complete their site plan and come to this Commission with a site plan showing they meet the zoning regulations, whatever they are in effect at that time.

Chairman Hall: Possibly in April, so if we can get this done in March.....

Ed Meehan: They would be all right with that.

Chairman Hall: So that does give us two more meetings.

Ed Meehan: They have to go to Inland Wetlands, to this Commission, and as part of the lease option they need to bring their development plan before the Town Council and that is part of the 8-24 process, the Council refers it to you. You get two bites of the apple, site plan review and 8-24, then it goes back to the Town Council.

Chairman Hall: Any other questions at this time? Because this is a public hearing anyone from the public wishing to speak in favor of this? Anyone wishing to speak in opposition? Anyone wishing to speak. We will keep this open because I think we still have a few things that we want to put with this.

Commissioner Kornichuk returned to the table.

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. MINUTES

February 4, 2009 – Special Meeting – 6:30 p.m.
February 4, 2009 – Special Meeting – 7:00 p.m.
February 11, 2009 – Regular Meeting

Commissioner Pruett moved to accept the minutes of the February 4, 2009 – 6:30 Special meeting, February 4, 2009 – 7:00 Special Meeting and February 11, 2009 Regular meeting. The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion with seven voting YES.

V. COMMUNICATIONS AND REPORTS

Ed Meehan: You have the letter from Conservation. Everybody has that.

Chairman Hall: You want to tell us a little about it?

Ed Meehan: I'll give you just an overview. In the process of reviewing Hunter Development's request to the Commission to consider amending their settlement agreement, I had conversations with the Town Engineer to get his input and expertise on the construction and what had to be done up there and he reminded me that Conservation Commission had stipulations in their wetlands permit that would affect the ordering of this site as far as, they had a requirement for review of any blasting that would affect the wetlands, there is a wetland table up there, so through his Chairman, Phil Block, he prepared this letter for Cathy to give you just a heads up on their input into this. They are concerned that good erosion control measures be practiced, that if there is going to be any blasting that affects the wetlands the applicant still has to go back to them are the two reminders here.

Chairman Hall: So please read this. I had a chance to read it this afternoon and he makes some very valid points that we need to keep in mind.

VI. NEW BUSINESS

- A. PETITION 02-09 - Deming Street (west side) former Peckham Farm parcel, Deming Street Associates, LLC owner and applicant, 145 Dividend Road, Rocky Hill, CT 06067 represented by James P. Cassidy, Hallisey, Pearson & Cassidy, 35 Cold Spring Road, Unit #511, Rocky Hill, CT 06067, request amendment of Petition 75-06 Site Plan Development, approved April 25, 2007, for single family age restricted homes, fifty-five or over, Section 5.3 PD Zone District. Inland Wetland Report required. Continued from February 11, 2009.**

Jim Cassidy: Good evening, again for the record my name is Jim Cassidy, with the engineering firm of Hallisey, Pearson & Cassidy, once again, we presented this application last month. Basically what we are looking for is to modify a previously approved site plan for an active adult community located at 119 Deming Road. With the original application it was proposed that there be 19 single family age restricted units, what we are looking to do is to reduce that to 16 single family age restricted units. In addition, we are looking to reduce the infrastructure within the development. The original plan consisted of a road coming off of Deming Road looping back and coming back in opposite Wynding Brook Lane for a total length of 800 feet. We are looking to propose to pull that road back to a total of about 450 feet, but the big item that we are looking to reduce on this project is there was a pump station initially involved with the approval for these units. That pump station has been eliminated, and the majority of the units will be serviced by a gravity sewer that comes off of the intersection of Griswold, down Deming Street and then into the project. There are seven units on the end of the development that would be serviced by individual grinder pumps that would pump up into the gravity portion of the sewer. All of the utilities will remain the same, storm drainage configuration is basically the same, outlets in the same location, acts the same as it was in the original development. Water would also be brought up Deming and into the project. The only thing that really has changed that would affect the wetlands is that there are more mitigation areas proposed on the development compared to the original proposal and the area outlined in green is the Conservation easement which actually has increased from the original proposal.

At the last meeting we also presented a landscaping plan. We proposing to build this berm all along the backside of the units along Deming Street with a height of about five feet, with a densely planted barrier along the top of it to provide screening from Deming Street to the back of the units.

In addition, the size of the units have increased. The original units had a living area of about 1000 square feet, these units have a minimum living area of about 1400 square feet plus a two car garage, and some of them have an option for living area on the second floor for an additional 600 square feet so you have the potential, total potential of 2000 square feet in a living unit. Also the overall configuration, you find that the footprint has changed slightly. You can see, we have two different type of units so we can actually interchange the two, because the overall footprint is almost identical so if someone wants A, where we show B, we can move them around a little bit, so it works out a little better where the previous plan, you were basically at two entirely different units and you really couldn't move them around, so in a nutshell we are just trying to reduce the number of units, improve the quality of the units out here and save on some of the infrastructure cost. That unless there is something that you want me to add at this point, but I did make my presentation at the last meeting and I would be glad to answer any questions at this time.

Chairman Hall: Ed, do you have anything?

Ed Meehan: I can elaborate on the Inland Wetlands approval, I didn't have that letter when you asked before. What the Conservation Commission is requiring the applicant to do is to certify to the Town Engineer that they have a maintenance program to clean out catch basins and maintain the quality of the wetlands. They are asking for additional plantings behind units 3, 4, and 5 to

prevent access into the wetlands from the backyards, stabilize that area. They are asking that the ecology report by RIMA Ecological Services which recommend a certain type of plantings be performed on the site, and according to the document, conservation easement and one comment, and maybe you can help us with this, Jim, says show the connection between the water course and the wetlands. Comment number 15. I don't know what that means.

Jim Cassidy: I think what they are talking about is where we are creating these two mitigation areas. There was a concern of wetlands that we're basically just excavating out a pond area, and you would have standing water in it all the time. When you take a look at the topography you will find that the westerly edge of it is actually at the same elevation as the water course, so they just wanted to verify that they are open to water courses, so when the water elevation in the stream builds up, these mitigation areas build up, and then as the water goes down, they drain out. They just wanted to make sure that they weren't just standing pockets of water and then you get a mosquito breeding area.

Ed Meehan: Okay. This is a typical limitation for sixty months and review six months into it, requirements on when the plantings have to be done, certain times a year, that is what this is about. I didn't understand that comment, but now I do, thank you.

Chairman Hall: Any other questions from the Commissioners? This evening a gentleman was talking about the capped well, can you point that out on the plan?

Jim Cassidy: Yes, sorry about that. In the southeasterly corner of the property, down here, there is an existing red house, associated with the house there is a well in front of it. That house is going to be removed as part of this development, that well is going to be abandoned. It is noted on the plan that it will be abandoned by proper regulations, basically the State Health regulations, whatever the requirement is for abandoning that well. It is a drinking water well, unfortunately we can't use it for our domestic water system for this development. There is domestic water that runs and we have to utilize that.

Chairman Hall: I think we have pretty much beaten this one, so thank you.

Jim Cassidy: Thank you.

B. Plan of Conservation and Development Review of 1995-2005 Community Facilities, Transportation and Future Lane Use Components.

Chairman Hall: We all got a copy of this in our packet for this evening. Community Facilities Component on page 17, general goal, provide quality community facilities which are well maintained and accessible to all residents.

Ed Meehan: What is your reaction to this? This completes all six components, you have the last three in your packet tonight, where it says not done, is that something that you want us to look at, or not worth looking at, something that you want to keep in a future plan, these are here to try to help think about new policies and strategies that we may have missed, or situations have changed and as we go forward we should bring in new strategies. It's also sort of a score card on what we have done with our previous plan, but there may be things here that really aren't appropriate any more like, for example, in the transportation component there is a recommendation to straighten the curve out on Pane Road. That's never going to happen. We can try additional signage and safety measures, but we aren't going to straighten that curve out, so why put it in the plan, or modify it?

Commissioner Ganley: Could we go back to the community facilities component because I read that and took a quick ride. On the east side of the turnpike we have the old playground that has been abandoned.

Chairman Hall: In Candlewyck Park?

Commissioner Ganley: Yeah, so we might.....

Chairman Hall: Abandoned, I thought.....

Ed Meehan: Barn Hill, Mila and Danorfio were responsible to re-grade and tune that up a little bit, it was abandoned. Park and Rec that haven't re-instated the neighborhood playground yet, they used to have playground areas.

Chairman Hall: Well, some of, that one they don't because there haven't been enough young kids in that neighborhood to make it worthwhile. The Little Brook one is still there.

Commissioner Ganley: Would it be in our best interest then to make note of that so as not to abandon that, (inaudible) the property for future development and at least address that particular issue by knowing that there is a park already over there. Make note of the fact for a future Commission, oh yeah, by the way, there was a parcel there, just in case we want to something with it. That was my thought.

Ed Meehan: That's a good point, because on the east side of the highway there are no active playground facilities and that has been an issue, you have kids crossing to go to Churchill Park. We looked at two pieces there, the one up behind the Department of Transportation on Kitts Lane, going back several years ago. It's not suitable because of it's topographical limitations, it about fourteen acres.

Commissioner Ganley: Is that where the bus turnaround is?

Ed Meehan: No, on Kitts Lane.

Chairman Hall: They could do rock climbing and rappelling, things like that.

Ed Meehan: So that piece isn't any good, but the other piece is the corner of Griswoldville and Deming, there's eleven acres on the corner, part of the former Peckham farm. It's a rolling piece of property, it would be an expensive investment I think, unless they were to give it away, but then you have a playground and active field there, you know, a quarter of a mile away at Churchill Park you've got everything too.

Chairman Hall: There is that little part between Apple Hill and Rockledge that the town.....

Ed Meehan: There are a couple of acres in there that we got expanded as part of Rockledge.

Commissioner Ganley: We should allude to those parcels and then somebody can decide at some point in time, they wouldn't have to go back and research the whole thing all over again.

Chairman Hall: And just because it hasn't been done doesn't mean that sometime in the future it couldn't be. The words "not done" sound kind of harsh when you just read it as not done, but there was just no opportunity to take advantage of with those parcels, it wasn't that we just ignored it.

Ed Meehan: Right.

Chairman Hall: The opportunity did not arise. I think a lot of this, community facilities is going to be opportunity.

Commissioner Pane: You might want to remove the one for the fire station service area policies, not done, a centralized fire station. With the improvements that the fire station has done now, I don't know whether or not they would do a centralized, another centralized fire station someplace.

Chairman Hall: Wasn't that before that property was turned over to the town, wasn't it?

Commissioner Pane: Yes, and since then we have expanded the south end and so on, so we might want to say this has been somewhat completed by expanding the south end fire station, you know.

Chairman Hall: And at the time, was the Connecticut Skating Center built, when did they build that? Was that before '95 or after '95?

Ed Meehan: I think it was after.

Chairman Hall: Probably, so we don't need that either, under hockey rink. Now, as far as complete the extension of MDC, there aren't that many places now that don't have it. Most of them have access to it, they just have chosen not to, a couple up off of Edwards Street, and Ridgewood, that area.

Ed Meehan: The thing was, at this time it was Griswoldville and Webster. Webster was extended as part of Adams Drive, and then Griswoldville as part of Waverly.

Chairman Hall: I don't know if you want to read these through, or whether you just want to do it on your own and make comments, I don't know what's going to work for this group.

Commissioner Schatz: You know, Commissioner Ganley had that letter with his thoughts in it, and when you drive around town and I think that was very good because I took it home, read it again, took it apart, put it back together again, and that is useful to get a feeling for what he was seeing out there. So when I drove through the center of town, I said, okay, Keeney Manufacturing is not there any more, what do we want there? I mean, I think this is the way that we have to think about it.

Ed Meehan: Yeah, you are looking ten years in the future.

Commissioner Schatz: Yeah, right.

Ed Meehan: I think eight more, nine more letters like that, from you guys.....

Commissioner Schatz; That's what I'm thinking, I'm going to submit one same as Tom did, and he's probably going to submit a half a dozen more.....

Commissioner Ganley: Somebody slashed the tires on my car so I can't drive around town any more. Just kidding.

Ed Meehan: That is the level of visioning that is appropriate from the Commissioners.

Commissioner Schatz: And the Chairman said the last time, we probably need a little map.

Chairman Hall: Oh, we have a map! You should see what our faithful Planner has done.

Commissioner Schatz: Okay, and then I was thinking about Day Street, Day Street as a block. Not ownership or what's in there, well, there is a lot of junk in there and if it's going to be a hub for future, you know, if it's going to be a hub for a train to stop there and take people somewhere else, because the New York line is through there, you know, a lot opportunity in that area. They have a lot of wetlands in that area too.

Chairman Hall: And from West Hill Road to the West Hartford line, that whole section in back, because those houses in front really mask an entire corridor in the back, right by Shepherd Steel.

Ed Meehan: That is the type of long range thinking that is really appropriate in this plan, because you know that the land supply has dwindled and what is left is marginal and some is not really suitable for development, so the whole theme I think, not the whole theme, but the thrust of the new plan might be recycling parcels, taking advantage of opportunities, transit within the community, you might have to deal with the talk about the density for some locations, if it is appropriate for high density, coordinated with transportation, and then strengthening the areas that I think are essential in Newington that historically set the framework for the town, and that is the existing residential area. You don't want disturbance, you want to keep those areas maintained and that is what I have done in map form. If I could take a minute to show you, I won't spend a lot of time of this, but.....

Commissioner Schatz: You can spend as much time as you'd like.

Ed Meehan: I have an outline that goes with this, too. What I tried to do was come up with themes, so you could think about the town thematically for some important things, so the three themes are housing quality and value, environmental quality, economic stability and development, and then very graphically I tried to illustrate some of the housing quality things that you maybe want to keep in a future plan. Basically this shows the housing in Newington as it lays out in density. Historically this goes back to the 1930's when Newington first adopted zoning. The template was set for medium density, which is the R-12, low density in the, mostly in the southern part of town and southeasterly corner, and what we call higher density, really, it's five and a half units per acre, not real high density, but those are the areas that go back to the '60's when the town was zoned for the garden apartments in anticipation of I291, there was a lot of re-zoning for the so-called garden apartments that then became the RP, Residential Planned District in the '70's and '80's and then in the mid '90's we eliminated that zone completely and put it into the R-12 District by Special Exception. That is how you got Toll Brothers and Pulte and the project down on Culver Street, Cobblestone and Apple Hill. Those came in through the R-12 Special Exception. So that is pretty much set. The white areas on this map are non-residential areas, or environmental areas that shouldn't be built on. The couple of areas that may have opportunity for higher density multiple units that are the only ones left right now, and I put these in here as suggestions because they could transition from commercial to low density or medium density, would be the Haltner property along the west side of Culver Street, about twenty-two acres in there if you look at our opportunities map, some of it is wetland, but it may be a transitional use. It would be compatible with Apple Hill and Cambridge Arms, across the street and Cobblestone and would transition into the lower density neighborhood. Then out on Deming Street, at the bottom of the hill from Barn Hill, we just talked about a project, Deming Farms, the Grantmoor property, all the way up to the top of the hill. At one time we knew that it was being looked at as a commercial development, because it is in the PD Zone. That's not a great transition to high end residential, but maybe medium density, five units per acre, residential is a better transition for the neighbors going up the hill. There are a couple of opportunity sites there. Then another concept that is being really promoted in Connecticut by the housing advocates, it's called Housing Incentive Zones. It used to be, they used to try to hammer us with affordable

housing, now they have changed that hammer to a carrot, and the idea is Housing Incentive Zones and if you meet certain criteria there's supposed to be state money that rebates the communities for building affordable housing. If you built a 100 unit complex, and twenty percent was set aside as affordable, you'd get financial credits for those twenty. There might be opportunities for that higher density outside of our traditional single family neighborhood. You know, over by Cedar and Fenn where we have transit opportunities, Crest Pontiac, and the former Lottery site, in that area next to the Amtrak lines. As Cathy just mentioned, up in West Hill, Newington Junction, again, that neighborhood up there is underutilized. In the town center, as Tom was talking about, as part of Constance Leigh, Children's Hospital Campus, and maybe even Lowry Place, in that area to look at some higher density. That concept theory is to maintain the quality and the value of your existing single family neighborhood, and be very selective where you are doing anything else. That's the theme there.

Environmental quality, and this is pretty straightforward, this is basically, the template has been set because of the wetlands and flood plains. You've got Piper Brook, you've got Mill Brook, you've got Rock Hole Brook, and Webster Brook, that sets the flood plain and the wetlands system for Newington, and Cedar Mountain ridge line. This is really the extent of the ridge line, this piece in the middle has all been taken away by Balf, so we don't have a ridge line there any more. But then there are the pieces that the town has acquired over the last eighty, ninety years and they are very well located when you think of where the, the location of the four elementary schools, the high schools and the middle schools, given Newington's size, that is a great distribution spatially, of those services. As far as connections, there are four dedicated greenways in Newington. There's Twenty Rod, Piper Brook, Rock Hole Brook, and then Ancient Highway, over the mountain. There is another possible greenway, now we've got this piece of land from the state and there have been some improvements in the nature trail at Churchill Park. You've got a nice greenway going up towards the westerly part of town. There's opportunities for great natural resource protection as part of all this land in here which Central acquired, 120 acre former I291 land. About sixty percent of this is flood plain, so that should never be built on, but it could be part of a greenway corridor. Then you have pieces that the town has picked up through subdivision activity over the years for playfields or neighborhood recreation, down at Littlebrook, you've got the high school, cemeteries and so forth down here. The piece that is missing, we just talked about it, is over on the east side of the Berlin Turnpike. We could try to get this piece on the corner, that's an eleven acre piece, so maybe we don't go with that piece. The one thing that I haven't put on here yet, we have a fair amount of acreage in conservation easements that has been picked up since Wetlands had started getting conservation easements back in the '80's. We have been keeping track of those, we can map those now with our GIS and fill out where we have conservation easements, so that's pretty much the template of maintaining environmental quality. The two farms the town acquired, the Young Farm and the Eddy Farm are on here. That creates a very large mass of open space in the town center. You take the Eddy Farm, Indian Hill, Mill Pond Park, plus the library, town hall and the property across the street, this is over 230 acres of open space in the middle of town.

The last theme, I'm talking about, living, environmental quality of recreation and then employment, live, work and play, I guess. Again, very conceptually, the Berlin Turnpike corridor and then the neighborhood retail, town center and the four neighborhood areas and then some of these overlapping ideas where you have a potential for gateway like in Cedar and Fenn. That is a gateway site, it could also be a transit development site, it could also be a higher density mixed use site. The same for the town center, where you could have commercial corridor but because of it's location you could do like a housing incentive zone, and mixed use commercial in the town center, or up at West Hill, Newington junction. The purple spots are your industrial park and your industrial areas and then another food for thought possibility is opportunities for office parks. One might be up along Route 9, off of Fenn Road, I think it's the Reddick property. There's twelve, fourteen acres of land in here, and no one has paid too much attention to that. I think it's now Mongello, you know, you have access to Fenn Road, maybe you could use this for an office park. It's now in the Industrial Zone. This whole section of town, really it's an old zoned district, maybe

that is considered as an industrial, not industrial, an office research park or something over there. Then another one might be.....

Commissioner Ganley: That back up to the golf course over in New Britain?

Ed Meehan: Across Route 9.

Commissioner Ganley: Yeah, I know, New Britain, is it Stanley?

Ed Meehan: Yes. Then another location might be this sixty acre piece up on Russell Road which is all under the control of Balf. The easterly side of this, where it's fairly flat, you have access along the Russell Road front, that might be another office park. The easterly side of it lends itself to development versus the westerly side where the ridge line starts on this piece here. The ridge line runs all up this way up to Cedarcrest Hospital and then up to Cedar Hill Cemetery. There is a large chunk of open space in there. Then you also have Balf park in here, the town has control of five acres of Balf Park, plus there is a significant drainage area that comes down off this area. There is a real ravine on the Balf piece, it's like a two thirds, one third split. In the middle there is a ravine that drops off the back of that cliff and goes down around and comes out, all that water goes out through Connecticut Avenue and into the Piper Brook system.

So what I am trying to illustrate graphically is thinking of the town thematically I think these are three important themes, housing, environment and economic development and then underneath these themes if we can start to develop goal statements, some policy statements and then some strategies for things for want to do. If you want to pursue strategy of an office park, you would put that into your plan, under economic development. If you want to pursue strategies for more greenway or beltway corridors, open space corridors, it would be under your open space component and you would identify those areas. If you were thinking about housing incentive zones, TOD, transit oriented development areas, they would probably go with two components, housing as well as economic development for the mixed use development. Or, some of these transitional higher density housing zones in the southwest part of the town. These three themes build off of the opportunities map which we have talked about for over a year. That's what I have right now. The outline, which I can't find right now, breaks all of that down, and maybe we could use that if you put something in writing individually, or if you want to talk about it, you could use this as a guide to start thinking about themes and policies.

Commissioner Pane: These maps that you have done, they can be in the town plan.

Ed Meehan: Yes, they can be polished up, we could certainly polish this up.

Chairman Hall: Yes, Planametrics is good at that, we saw one of those, Stonington.....

Ed Meehan: They did New Canaan, and there is a couple of ways of approaching how you want to structure the Plan of Development. You could do it as a thematic plan which goes by land use themes, more traditional residential, industrial, commercial, those themes, or you do more of a policy plan where you focus on specific policies. I would say that the plan that we adopted back in '95 is a little of each. It's strong on policy and strategies but it also had five different component maps which illustrated themes. Given our development pattern and where we are with being an inner ring suburban community we don't need to re-write the book on changing land uses. We don't have a lot of flexibility there, so I think we have to start pressing more for looking at recycling, better maximization of sites we have, where we can build those sites out, and I think we have some real opportunities if any of this transportation, transit development ever occurs and that is ten years from now, but you hear of the major investments that they are talking about with rail transit and then the busway, which is still being pursued by the Department of Transportation, those all converge in Newington. So around Cashway, Francis and Day Street, going up to

Spring, there are a lot of opportunities to increase the value of those properties. A lot of that is going to depend on things beyond our control, job growth generates housing and so forth, but I think in the Plan you could set the framework for some of those. That is what these themes are supposed to do.

Chairman Hall: Any questions on that?

Commissioner Schatz: The land behind my building, across the tracks, east side, does CCSU have that?

Ed Meehan: Yes.

Commissioner Schatz: They do?

Ed Meehan: Yes, well, there may be a strip that is owned by Amtrack as well as CL&P, then there is a chunk that used to be WPOP owns on Cedar Street but everything south of that, down to Coburn Circle and the other side of Stamm Road is all.....

Commissioner Schatz: Up to Route 9?

Ed Meehan: Yeah, up to 9. Let me show you on this map, all this land here, this is all Central. Fifty, sixty percent of that is all wetlands.

Commissioner Schatz: I understand that, I walk in there.

Ed Meehan: The problem with that land is given the development that has occurred in New Britain over the years, that is the source of our flooding problems over on Stamm Road. When that, there is like a saddle in there, when that water breaches, it doesn't go north under Cedar Street and into the Piper Brook system, it goes over the saddle and breaks south and goes over the tracks and gets into the back of the buildings, Rogers Sash and Door and so forth on Stamm Road, and Webster Brook isn't big enough to handle that. Webster Brook is constricted by New Britain Avenue. Once it gets south of New Britain Avenue it gets down south of Tremont, it's real flat down in there, the water is okay, it keeps going down into Berlin. Whatever is done on the 120 acres, they are going to have to take flood control into consideration.

Commissioner Schatz: When the water over by WPOP comes up in that whole plain area there, then I go out in back and look on our property to see what's happening, and the water goes, it's traveling.

Ed Meehan: Plus it gets stuck in there for days where it can't get out that fast.

Commissioner Schatz: It goes zip right by me and then I went down to Stamm Road one time, and they were floating down there, and then I went down to John Downey and it was all in and around where the brewery was, over the parking lot and everything else, and then one time it backed up, backed into Liberty Street, didn't come as far as us.

Ed Meehan: Some of that is maintenance which hasn't been done in years by Amtrack, opening the culverts properly. A lot of it has to do with the surcharge of water coming in under Route 9 from New Britain, Stanley Quarter Park, Batterson Park all end up down in there. When Peter Arbour was town engineer he had a study done and one of the recommendations was to build a dike system along the west side of the Amtrack line, a structural solution. The cost was unbelievable to do it, it doesn't make sense to me. I think you are better off not fighting the water, working with it.

Commissioner Schatz: At one time, didn't it take out some of the stone under the tracks?

Ed Meehan: Yeah, there's been a couple of washouts. There is a guy who walks, we call him the track walker, he walks ahead of the train to make sure there are no washouts. It's his job. He walks with a pole and if he doesn't come up, the train stops.

Commissioner Ganley: There is a small pond on that parcel that you can see from Route 9, just before you make the right hand turn, there is a, when the highway was going to go through, they actually did some work on that parcel because there is a cut, if you will, goes right through the red stone that is out there.

Ed Meehan: Yes, just below Culver Circle.

Commissioner Ganley: And just to the north of that there is a wetlands and I recall when Pete Curry was the manager, when nobody seemed to know what to do with the land, he went to the Archdiocese and he was trying to get them to take it off Newington's hands for a cemetery, but they already knew it was too wet.

Chairman Hall: They would be floating.

Commissioner Ganley: Well, they turned us down, and the land has been the way it is ever since. I took a hike out there and I saw that pond and that cut right through the stone where the highway was going to go through, so it's been fallow forever it seems. In fact, there was a big pond out there at one time, a shallow large pond area, and somehow the State got the pond because they wanted to use it to handle the drainage for the highway and.....

Ed Meehan: As part of the impact of Route 9 wetlands, they had to do a trade off, so they had to go in and restore wetlands under the Federal requirements that they had, ConnDot went in and restored some of the wetlands in there, so they can't be built on. So if they disturb the wetlands down in Cromwell or Rocky Hill, they replaced it by correcting a mitigation area in that section of Newington. There is couple other, off of Kimberly there is also some wetlands that they, they actually bought some wetlands from the Town of Newington when Connolly was town manager to satisfy the requirements for wetland restoration.

Chairman Hall: I think that was when they built Friday's wasn't it?

Commissioner Ganley: Is that when they built north of the power line? All those lovely homes?

Ed Meehan: Well, this is highway mitigation.

Chairman Hall: Yeah, off of Route 9.

Ed Meehan: The town owned the wetlands and the town transferred part of the land to the Department of Transportation. It goes west to the back of Borders, Barnes and Noble.

Commissioner Ganley: They wanted to run back into that wetland area near TGIF's, wanted to put a hotel complex down in the back, and there was a paper street, off of Kimberly, a dead end, a little curb cut paper street, they wanted to use that for access to the back there, make a street right across from the wetlands, so to get away with not having that happen, the Town I think eliminated that tiny little paper street, and the only other thing that I can recall was how wet it was, it was a hockey player, a Whaler's hockey player living up there.....

Chairman Hall: A jai alai player I think.

Commissioner Ganley: No, it was a hockey player and the, just to give you an example of wet it was up there, they put a foundation in, and I took a ride up there on day because they have some lovely homes up there, and the bulldozer on the property had sunk down into the footings during a rain storm and it was stuck inside what was going to be the foundation. That's how wet it was on the west slope of that part of the street, fairly close to the power line, and of course all of the houses went from modest to exceedingly good looking houses, and that is how wet I remember that piece being. If the site plan was approved which changed the nature of the land, they would have gotten more money for the property just by virtue of the fact that it was something that could have been done with it and it just was not feasible, I recall that distinctly.

Ed Meehan: Those houses on the west side of Kimberly Road in that stretch are all very tight as far as the wetlands and the conservation areas.

Chairman Hall: The backyards are about this big.

Ed Meehan: Yeah. They are slivers up there.

Chairman Hall: They have reclaimed some, and there have been issues up there.....Any other questions on this, and I want to thank Ed for doing this, this was really wonderful and it really lets us see what we need to see for the different categories.

Ed Meehan: We can mark these up with magic markers, you can add notes to this outline because I want to start moving toward the formulation of goal statements and policies.

Chairman Hall: So if you could come prepared, when you get these please look at them, and start making some notes.

Ed Meehan: My goal, since Planametrics has signed up, they are on board and working now, is to get this so we can have some workshops with the general public and boards and commissions and get a draft ready for public hearing late June, early July. Then be ready to present it to the Town Council so they have adequate time for it.

Chairman Hall: So hang onto these and please come back with some suggestions and comments.

VII OLD BUSINESS

- A. **PETITION 49-08- Lot 5 Costello Road, Raymond Gagnon applicant, 3287 Berlin Turnpike, Newington, Amigo Corporation, 299 John Downey Drive, New Britain, CT 06053 owner, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, request for Site Plan Development, Section 5.3, 8,000 sq. ft. building, PD Zone District, Continued from, February 11, 2009. Inland Wetlands Report required.**

Commissioner Casasanta moved that PETITION 49-08- Lot 5 Costello Road, Raymond Gagnon applicant, 3287 Berlin Turnpike, Newington, Amigo Corporation, 299 John Downey Drive, New Britain, CT 06053 owner, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, request for Site Plan Development, Section 5.3, 8,000 sq. ft. building, PD Zone District, be approved based on plans entitled "Ray Gagnon, Lot 5 Costello Road" Sheets 1 to 3, prepared by BGI Land Surveyors, Scale 1" = 20', revised dated 2/24/09.

1. Prior to the issuance of the Building's Certificate of Occupancy the applicant's engineer shall certify to the Town Engineer that the site storm water system has been constructed in accordance with the approved plan.
2. The Conservation Commission's Inland Wetland permit number 2008-10 is acknowledged and made a part of this approval.
3. The outside gravel yard area is for vehicle equipment use and not for construction materials or supplies storage.

The motion was seconded by Commissioner Pane. The vote was unanimously in favor of the motion, with seven voting YES.

Commissioner Pane recused himself from Petition 50-08.

- B. PETITION 49-08- Corner of Pane and Maselli Roads, (west side) White Birch Crossing, LLC, owner and applicant, 638 Church Street, Newington, CT 06111, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, request for Site Plan Development, Section 5.3, 23,340 sq. ft. single story building PD Zone District. Sixty-five day decision period extended to February 25, 2009.**

Commissioner Pruett moved that PETITION 50-08- Corner of Pane and Maselli Roads, (west side) White Birch Crossing, LLC, owner and applicant, 638 Church Street, Newington, CT 06111, represented by Alan Bongiovanni, BGI Land Surveyors, 170 Pane Road, Newington, CT 06111, request for Site Plan Development, Section 5.3, 23,340 sq. ft. single story building PD Zone District be approved as follows:

1. The site plan entitled White Birch Crossing, LLC prepared by BGI Land Surveyors, sheets 1 to 5, Scale 1" = 40' revised dated January 6, 2009 shall be modified:
 - A. Remove parking spaces located in front of overhead doors (15 spaces) and in front of egress doors (5 spaces.)
 - B. Modifications to the storm drainage design system, Sheet 3 of 5, shall be completed pursuant to the Town Engineer's review comments.
 - C. Prior to the issuance of the Certificate of Occupancy for Phase I building the applicant's engineer shall certify to the Town Engineer that the storm water system has been constructed in accordance with the signed plans.
2. The architectural plan elevations submitted to the Commission, February 4, 2009 showing the location of overhead doors on the north elevation and identifying façade pre cast wall panel construction and standing seam metal wall panel (Maselli Road) frontage shall be prepared on mylar for signing by the Commission chairman.
3. Prior to June 15, 2009 the portions of the project area that has been grubbed shall be cleared of stumps and the disturbed areas hydro seeded for stabilization.

The motion was seconded by Commission Kornichuk.

Chairman Hall: Ed, the last time that we almost did this, there was a change. Now you have reviewed all of that and there is really no issue with that?

Ed Meehan: Yes, the change was moving the overhead doors from the south side to the north side, but the substantial architectural treatment of the building, the pre-cast tilt up material, the aggregate, the standing steel features on the roof and the Maselli Road side stay the same. What will happen is that as future phases progress, by moving the doors to the north side, the next set of buildings that comes in, I would expect would have overhead doors on the south side so they would both be able to share common driveway and turning area in between. It makes sense in that respect. There is a substantial set of trees out there now, so we won't be looking at overhead doors, we will have some screening between Pane Road and this building at the far south end of the site.

The vote was unanimously in favor of the motion, with six voting YES.

Commissioner Pane returned to the table.

VIII PETITIONS FOR SCHEDULING (TPZ March 11, 2009 and March 25, 2009.)

- A. Petition 03-09 – Proposed Zone Regulation amendment, Section 3.2.1 churches and places of worship. Permitted in all zone districts by Special Exception. Request to add the following: *Places of worship when permitted by special exception be allowed to have residential quarters (for a family.) Area of such quarters not to exceed 2000 sq. ft. All such uses must be included within a building or accessory to the permitted principal use.* Sudhakar Nargardeolekar AIA applicant, 330 Roberts Street, East Hartford, CT 06108-3654. Scheduled for March 11, 2009.

Ed Meehan: I have just for the 11th, the proposed zone change, that is the only application that we have right now.

Chairman Hall: That can change obviously, that's two weeks away, so anything can happen.

IX. PUBLIC PARTICIPATION

None.

X. REMARKS BY COMMISSIONERS

None.

XI. STAFF REPORT

Ed Meehan: I'll be really quick. The settlement agreement for Three Angels has been signed by all parties, I believe that Attorney Clark told me that they had a visit yesterday, yesterday or today with Judge Levine to ratify that. Jim Cassidy has dropped off the revised mylars today, I'll go through those and get them ready for the Chairman to sign, so that has been taken care of. The Adult Day Care on Willard, they have contacted me, they want come in and talk, they want to go forward with their project, they are having trouble getting financing and so they may be looking around town to lease a space to operate their daycare.

Chairman Hall: Oh, I've got a spot for them.

Ed Meehan: Well, let me know after the meeting because they did have a good response from people who want this, but they are not going to be able to provide it as quickly as they hoped so they are coming in next week.

I had a meeting yesterday at the Department of Transportation with Rich Hayes and his engineer and folks at ConnDot and Deputy Commissioner Martin on the efforts to try to move forward a public/private partnership with National Welding and Hayes' project. We have made very good progress as far as swapping land and widening the road, obviously the stumbling block is money, and the improvements that they are talking about according to ConnDot are over six million dollars which we have asked them to go back and take another look at because Mr. Hayes and his partners are willing to push the road even a little bit further east to avoid any retaining walls or issues on the west side of Fenn Road. That is where that ravine drops in, so you know, we are moving forward in good faith, both the private sector and the Town, with ConnDot and I think we are very satisfied with the effort that the Department of Transportation has put into this. They really want to make this station happen because they know that they need a traffic signal there to get people in and out of the busway. There has also been some discussion, the Town Engineer is going down on Friday to talk about sharing one drainage system for the three projects, rather than having three separate drainage systems. Makes a lot of sense environmentally, an awful lot of sense economically because you are not repeating three drainage structures so there will be some legal liability issues that will have to be worked out. So, that's where that project is right now.

Supposedly Sam's is back on track, the contractor is back inside working on that. Holiday Inn Express is moving along.

Commissioner Schatz: And March 4th there is a meeting on the bridge widening.

Ed Meehan: The bridge over the busway.

Commissioner Schatz: Are they just going to widen that and then go back small again?

Ed Meehan: Well yeah, they actually are not going to widen it for additional lanes. That has been an issue in some of the meetings that we have had, particularly with Central Connecticut because they want a wider bridge deck to accommodate a left turn lane into their property south of Cedar Street. This is being done as a reconstruction of a structurally deficient bridge. It has been evaluated as part of the state bridge safety program, and it's on like the top ten list in the capitol region to replace, so they have federal money to do it, but they can just put back the same number of lanes that are there now, but they are going to build it as a modular bridge. They are talking about building something like you would out of Lego's. They are going to slide a superstructure underneath the deck, then take the deck off and lower it, so they can add onto that modular if Central can get the funding to add additional lanes, so you have some flexibility but it's not going to address, a long time ago we talked about widening the lanes on Cedar almost all the way back to the second railroad bridge near Crest so you could have a dedicated left turn into CCSU's property. This is not going to address that right now. The public hearing is March 4th, in this room.

XII. ADJOURNMENT

Commissioner Kornichuk moved to adjourn the meeting. The motion was seconded by Commissioner Ganely. The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary

